

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: SERGHERAERT et al.

Serial No.: To be assigned (continuation of App. No. 09/703,522) Art Unit: To be assigned

Filed: July 29, 2003 Examiner: Charesse L. Evans

For: METHODS FOR TREATING,
MAINTAINING, OR IMPROVING
FUR OR HAIR PIGMENTATION
OF DOMESTIC CARNIVORES
USING A COMPOSITION
COMPRISING FREE TYROSINE Attorney Docket No.: 10272-0016

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.

1b. A legible copy of :

☐ Each U.S. patent application publication and U.S. and foreign patent;

☐ Each publication or that portion which caused it to be listed on the PTO-1449;

☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;

☐ all other information or portion which caused it to be listed on the PTO-1449.

1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.

1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.

2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):

☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

- ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- ☒ Before the mailing of the first Office action on the merits;
- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
- ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.
- The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:
- ☐ enclosed.
- ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

The Certification Statement in Item 5 below is applicable.

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)

(Check either Item 5a or 5b)

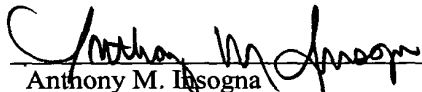
- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ In accordance with 37 C.F.R. §1.97(e)(2), it is certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known by any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
6. ☒ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☒ Copies of publications listed on Form PTO-1449 from prior application Serial No. 09/703,522, filed on November 1, 2000, of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☒ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. 09/703,522, filed on November 1, 2000, and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement. (Check Item 7a)
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- (Check Item 8a, 8b, or 8c)
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 16-1150.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date: July 31, 2003


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35,203
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LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)	ATTY DOCKET NO.	APPLICATION NO
	10272-0016-999	To be assigned
	APPLICANT SERGHERAERT et al.	
	FILING DATE	GROUP
	July 29, 2003	To be assigned

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	3,950,529	04/13/76	Fischer et al.			
	A02	4,053, A1	10/11/77	Gans et al.			
	A03	4,265,913	5-1981	Eichelburg, Robert J.			
	A04	4,282,254	8/1981	Franzen et al.			
	A05	4,696,914	09/29/87	Rüsse et al.			
	A06	5,173,085	12/22/92	Brown et al.			
	A07	5,276,056	1/4/94	LeRoy			
	A08	5,310,539	05/10/94	Williams			
	A09	5,578,296	11/26/96	Kashino et al.			
	A10	5,942,532	08/24/99	Diaz et al			
	A11	5,962,417	10/05/99	Gilchrest et al.			
	A12	589US2001/0014442	08/16/01	Morris et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B01	WO 97/35998	10/02/97	PCT				
	B02	EP 0 210 420	06/23/86	EPO, including English language abstract				
	B03	WO 01/58442 A1	08/16/01	PCT				
	B04	2 582 485	5/31/85	France				
	B05	0 026 985	4/15/81	EPO				

OTHER REFERENCES *(Including Author, Title, Date, Pertinent Pages, Etc.)*

	C01	Milner et al., 1984, "Phenylalanine and Tyrosine Requirements of Immature Beagle Dogs," American Institute of Nutrition, pp. 2212-2216.
	C02	Hoti, 1993, "Formation of melanin pigment by a mutant of Bacillus thuringiensis H-14," Journal of General Microbiology 139:2265-2269
	C03	Dadalau et al., 1989, "Oral tablets prepn. against human hair de-pigmentation containing para-amino benzoic acid, calcium pantothenate, copper sulphate, tyrosine and tri iodo thyronine." (abstract)
	C04	Marsden, 1962, "Tyrosinase activity in the pigmented cells of the nucleus substratae nigrae. II. Further observations on monophenolase activity." (abstract)
	C05	Anderson et al., "Histidine, Phenylalanine-tyrosine and Tryptophan Requirements for Growth of the Young Kitten", Journal of Animal Science, 1980, Vol. 50(3):479-483.
	C06	Paragon and Grandjean, 1992, "Alimentation et troubles cutanés chez le chat", Recueil de Médecine Veterinaire 168:769-777 (including English translation and Certification of translation).
	C07	Glättli, et al., "Diätetische Maßnahmen und essentielle Wirkstoffe in der Behandlung von Hautkrankheiten des Hundes", Kleintierpraxis, 1973, 18 (7), 203-210 (including English translation and Certification of translation).
	C08	Paragon and Grandjean, 1992, "Alimentation et troubles cutanés chez le chat", Recueil de Médecine Veterinaire 168:769-777
	C09	Williams et al., 1987, "Phenylalanine requirement of kittens and the sparing effects of tyrosine", J. Nutr. 117:1102-1107

C10	Alam et al., 1966, "Effect of tyrosine and Threonine on free amino acids in plasma, liver, muscle, and eye in the rat", J. Nutr. 89:97-105
C11	Rogers et al., 1979, "Essentiality of amino acids for the growing kitten", J. Nutr. 109:718-723
C12	Anderson, et al, 2002, "Cats Require More Dietary Phenylalanine or Tyrosine for Melanin Deposition in Hair than for Maximal Growth", American Society for Nutritional Sciences 2037-2042.
C13	Morris, et al, 2002, "Red Hair in Black Cats is Reversed by Addition of Tyrosine to the Diet", J. Nutr. 132:1646S-1648S

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	